



PRESENT:

Mr. Daniel A. Gecker, Chairman
Mr. Sherman W. Litton, Vice-Chairman
Mr. Phillip G. Cunningham
Mr. Russell J. Gulley
Mr. Ronald K. Stack
Mr. Thomas E. Jacobson, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. William D. Poole, Assistant Director,
Development Review, Planning Department
Mr. Glenn E. Larson, Assistant Director, Plans and Information
Section, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Senior Planner, Zoning and
Special Projects, Planning Department
Mr. Fred Moore, Planner, Zoning and
Special Projects, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Jeffrey H. Lamson, Senior Planner, Development
Review, Planning Department
Mr. Doug Mawby, Senior Planner, Development
Review, Planning Department
Mr. Zachary L. Robbins, Planner, Development
Review, Planning Department
Ms. Barbara Fassett, Planning Administrator, Advance Planning
and Research Branch, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Branch, Planning Department

Mr. Carl D. Schlaudt, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Steven F. Haasch, Planner, Advance Planning and
Research Branch, Planning Department
Ms. Linda N. Lewis, Administrative Secretary, Administrative
Branch, Planning Department
Ms. Deanna D. Harkabus, Secretary, Administrative
Branch, Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. James R. Banks, Assistant Director,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Ms. Joan Salvati, Water Quality Administrator,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Assistant Fire Marshal Steve Hall, Fire and Life Safety,
Fire Department
Ms. Cynthia Owens-Bailey, Director of Planning,
School Administration

WORK SESSION

At approximately 12:00 p. m., Messrs. Gecker, Litton, Cunningham, Gulley, Stack and staff met in the Executive Session Meeting Room, Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. Review Day's Agenda.**
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- C. Plans and Information Section Projects Update.**
- D. Work Program – Review and Update.**
- E. Deferred Items:**
 - ▶ **Proposed 2004-2005 Planning Department Major Projects.**
 - ▶ **Timetable for Future Work Session/Public Hearing relating to the Public Facilities Plan.**

Mr. Jacobson introduced and welcomed Mr. Jack R. Wilson, III, the new Bermuda District Planning Commissioner.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. REVIEW DAY'S AGENDA.

Mr. Allen updated the Commission as to the status of, and staff's recommendation for, the requests to be considered during the Afternoon Session.

Mr. Rogers updated the Commission as to the status of, and staff's recommendation for, the upcoming caseloads and the zoning requests to be considered during the Evening Session.

During discussion of Case 04SN0151, Charter Colony Senior Assoc., L.P., on the Day's Agenda, Mr. Gecker declared a conflict of interest pursuant to the Virginia Conflict of Interest Act and excused himself from the meeting at approximately 12:59 p. m.

Upon conclusion of discussion relative to Case 04SN0151, Charter Colony Senior Assoc., L.P., Mr. Gecker returned to the meeting at approximately 1:05 p. m.

C. PLANS AND INFORMATION SECTION PROJECTS UPDATE.

Ms. Fassett and Messrs. Bowling and Schlaudt, updated the Commission as to the status of ongoing and future meetings for pending projects, including the Northern Area Plan, the Upper Swift Creek Plan and the County-wide Planning Education Project.

D. WORK PROGRAM.

Upon conclusion of discussion relative to the Commission's Work Program, it was the consensus of the Commission to adopt their January 2004 Work Program, as outlined by Mr. Jacobson.

E. DISCUSSION RELATIVE TO:

▶ **PROPOSED 2004-2005 PLANNING DEPARTMENT MAJOR PROJECTS.**

Upon conclusion of discussion relative to the proposed 2004-05 Planning Department major projects, it was on motion of Mr. Stack, seconded by Mr. Cunningham, that the Commission resolved to recommend that the following projects be added to the Planning Department's FY2004-2005 Work Program and forwarded to the Board of Supervisors for consideration:

- ◆ Countywide Purchase of Development Rights Program,
- ◆ Historic District Designation – Matoaca Village and Jefferson Davis Corridor,
- ◆ Countywide Plan Update, and
- ◆ Northern Jefferson Davis Highway Plan Amendment.

AYES: Messrs. Gecker, Litton, Cunningham and Stack.

NAY: Mr. Gulley.

► **TIMETABLE FOR FUTURE WORK SESSION/PUBLIC HEARING RELATING TO THE PUBLIC FACILITIES PLAN.**

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission set the date of January 22, 2004, at 4:00 p.m., in Conference Room 502 of the Chesterfield County Administration Building, for a Special Work Session to review the draft Public Facilities Plan.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission set the date of January 29, 2004, at 5:00 p.m., in the Executive Session Conference Room of the Chesterfield County Administration Building, for a Special Work Session to review the draft Public Facilities Plan.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission set the date of January 29, 2004, at 7:00 p.m., in the Public Meeting Room of the Chesterfield County Administration Building, for a Public Hearing relating to the draft Public Facilities Plan.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

F. RECESS.

There being no further business to come before the Commission, the meeting recessed at approximately 2:35 p.m.

The Commission reconvened in the Public Meeting Room at 3:00 p. m.

3:00 P. M. AFTERNOON SESSION

Mr. Gecker, Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES.

Mr. Jacobson stated that the first order of business would be the consideration of the November 10, 2003, Special Work Session/Public Hearing and November 18, 2003, Planning Commission minutes.

► **NOVMEBER 10, 2003 SPECIAL WORK SESSION/PUBLIC HEARING.**

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to approve the November 10, 2003, Planning Commission minutes, as written.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

► **NOVEMBER 18, 2003 MEETING.**

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to approve the November 18, 2003, Planning Commission minutes, as written.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **DEFERRAL REQUEST BY INDIVIDUAL COMMISSIONER.**

04PS0146: In Clover Hill Magisterial District, **FIRST COMMONWEALTH CHURCH** requested approval of an amendment to the sign package for Genito Forest Shopping Center in order to re-use the existing sign originally designed for a multi-theater complex. This development is commonly known as **FIRST COMMONWEALTH CHURCH REGAL CENTER**. This request lies in Corporate Office (O-2) and Community Business (C-3) Districts on two (2) parcels totaling 14.13 acres fronting approximately forty (40) feet on the north line of Hull Street Road, also fronting approximately 750 feet on the west line of Woodsong Drive. Tax IDs 744-684-7278 and 744-685-0909 (Sheet 10).

No one came forward to represent the request.

Mr. Gulley stated the leadership of the First Commonwealth Church was in transition and he wished to defer the request to allow the leadership additional time to reorganize.

There was no opposition to the deferral.

The following motion was made at Mr. Gulley's request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission, on their own motion, resolved to defer Case 04PS0146, First Commonwealth Church (First Commonwealth Church Regal Center), to the regularly scheduled February 2004 Planning Commission meeting.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

04PR0139: In Clover Hill Magisterial District, **DUVAL DEVELOPMENT** requested Planning Commission approval of a site plan and modification to a buffer requirement, as allowed by Condition 4 of Case 87S016. Specifically, Builder's Choice is adding an outdoor storage area that requires a reduction in the 100 foot buffer. This development is commonly known as **OAK LAKE BUILDER'S CHOICE 2**. This request lies in a Light Industrial (I-1) District on a 5.28 acre parcel fronting approximately 300 feet on the east line of Oak Lake Boulevard, approximately 920 feet from its intersection with Genito Road. Tax ID 736-689-7842 (Sheet 10).

Mr. Aaron Breed, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved that approval of a site plan and modification to a buffer requirement, as allowed by Condition 4 of Case 87S016, for Case 04PR0139, DuVal Development (Oaklake Builder's Choice 2), shall be and it thereby was granted, subject to the following conditions:

CONDITIONS

1. The buffer may be reduced to a fifty (50) foot buffer along the east and north boundary of this site plan. Existing vegetation within this buffer shall be retained. Landscaping within this buffer shall comply with Section 19-522(a)(2) Buffer and screening requirements for fifty (50) foot buffers. If existing vegetation does not satisfy this requirement, as determined in the field by the Planning Department, a landscape plan shall be submitted to the Planning Department for review and approval prior to occupancy of the building.
2. Construction of the Phase 2 building and a six (6) foot tall screen fence made of the same material as the building shall be complete within three (3) years of the issue date of the land disturbance permit for this site plan. The screen fence shall be located adjacent to and in line with the rear wall of the building, and shall provide screening in areas where no building is located parallel to the eastern property line.
3. Plans shall be resubmitted for administrative review and approval in accordance with the review comments.

REVIEW COMMENTS

1. An adequate turnaround shall be provided at the terminus of Oaklake Crest Way to allow for the safe and convenient maneuvering by service vehicles. Provide a permanent cul-de-sac with a thirty-five (35) foot pavement radius (within a minimum fifty (50) foot radius temporary turnaround easement) using Virginia Department of Transportation (VDOT) standard curb and gutter as stipulated in 24 VAC 30-90-240 of the 1996 SSR. (VDOT)
2. VDOT standard CG-11 is the required standard for all curbed commercial entrances. The minimum commercial entrance width is thirty (30) feet at the right-of-way line. A radius of thirty-five (35) feet at the curb is required. This applies to Oaklake Crest Way as well. (VDOT)
3. The spot elevations along with flow line of CG-11 must be shown on the plans to ensure positive drainage. A typical section shall be added to the plan. It should indicate a straight positive flow line from gutter to gutter. This applies to Oaklake Crest Way as well. (VDOT)
4. Prior to release of a land disturbance permit, Oaklake Boulevard from Genito Road to its proposed intersection with Oaklake Crest Way must be State accepted. (T)
5. Prior to release of a land disturbance permit, a construction bond for Oaklake Crest Way must be provided. (T)
6. The revised plan is for a builder's storage yard. No buildings are proposed at this time. If buildings are to be constructed or moved to the location, a re-review of the site plan will be

required for evaluation of fire protection needs. The revised plan as submitted, for an open contractor's storage yard, only, is approved as submitted. (F)

7. Provide calculations to verify that the fire flow and domestic flows can be sustained with a residual pressure of 20 PSI. Show on the plans the County- supplied starting point letter, flow chart and engineer's results in the form of a node map and table of flows and resultant pressures. (U)
8. Take the water connection from the twelve (12) inch waterline in Oaklake Boulevard. Show an eight (8) inch waterline in Oaklake Crest Way. (U)
9. Show open cut for crossing Oaklake Boulevard if the twelve (12) inch waterline is within the pavement. (U)
10. More information is needed on the proposed services. Submit sizing forms. (U)
11. Shift manhole #1 east along the sewer line until the angle with the downstream sewer at the existing manhole is ninety (90) degrees or greater. (U)
12. It is the responsibility of the applicant to comply with and/or acquire all applicable federal and/or state permits in relationship to environmental features including but not limited to "wetlands, surface waters (e.g. VPDES permit for construction sites of one (1) acre or more), ground water and air quality." Final approval of these plans will not relieve you of your responsibility. Wetlands documentation must be received by the Environmental Engineering Department prior to issuance of the land disturbance permit. (EE)
13. All existing and proposed drainage easements must be shown. (EE)
14. The deed book and page number of all existing drainage easements must be shown on the plan. (EE)
15. Provide a "drainage easement - public" over Structure 15. (EE)
16. Provide a construction entrance for Oaklake Crest Way. (EE)
17. All on-site drainage easements including right of way must be recorded prior to issuance of a land disturbance permit for this project. (EE)
18. Prior to issuance of a land disturbance permit, a diskette/CD, the format of which shall be Autocad.dwg or dxf, must be submitted to Virginia Barbour of Environmental Engineering. The diskette/CD must contain the following, each in a separate layer:
 - a) Final grading contour lines (five (5) foot intervals);
 - b) Proposed building footprint;
 - c) All impervious area (parking lots, driveways, roads, etc); and
 - d) The storm sewer system.A "layer report" printed from Autocad must be submitted with the diskette/CD. Both the diskette/CD and the report must be labeled with the site plan name, site plan number and the engineering firm. All Autocad files must be referenced directly to the Virginia State Plane Coordinate System, South zone, in the NAD83 datum. (EE)

19. A land disturbance permit is required for this project and the following are required prior to its issuance:
 - a) Substantial or full site plan approval
 - b) A VDOT land use permit
 - c) A letter must be received from a qualified wetlands expert stating:
 - 1) There are no wetlands impacted on this project, or
 - 2) The wetlands impacted are less than 0.1 acre and Corps of Engineers notification is not required, or
 - 3) All applicable federal and state wetland permits have been acquired (copies of the permits must be submitted)
 - d) A performance bond must be posted for the construction of Oaklake Crest Way. (EE)
20. Revise and resubmit the site plan incorporating the proposed phased buildings on the site for review by all county departments. (P)
21. Provide a note on the site plan stating: "fifty (50) foot buffer and tree save area - no access permitted. Existing trees within the buffer may be credited toward buffer vegetation requirements (1.5 x perimeter landscape C). Upon completion of site grading, the owner or his representative shall contact Jeff Lamson (748-4158) of the Planning Department to inspect existing plant material to determine if additional plant material must be installed to meet requirements." (P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

04PW0196: In Clover Hill Magisterial District, **NEIL CARNES** requested a development standards waiver to the requirement that vehicle parking areas are to be paved. Specifically, the applicant requests that a portion of the parking for Richmond Sports Experience be gravel-surfaced. This project is commonly known as **RICHMOND INDOOR SPORTS EXPERIENCE**. This request lies in a Light Industrial (I-1) District on part of a 10.25 acre parcel fronting approximately 450 feet on the north line of Oak Lake Boulevard and approximately 750 feet northeast of Oak Lake Court. Tax ID 736-692-Part of 2732 (Sheet 10).

Mr. Neil Carns, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission found Case 04PW0196, Neil Carns (Richmond Indoor Sports Experience), substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver to Section 19-514(d)(1) of the Zoning Ordinance requiring paved parking, subject to the following conditions:

CONDITIONS

1. The waiver shall be for the requested use only and in the location shown on the plan.
2. The gravel portion of the lot shall be constructed to current Ordinance standards for gravel parking.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.**

04PW0180: In Matoaca Magisterial District, **SWIFT CREEK ASSOCIATES, L.P.** requested Planning Commission approval of a development standards waiver to the requirements of Section 19-637(f), specifically, to permit a 20 square foot directory sign to be legible and unscreened from Hull Street Road for the purpose of advertising tenants within the plaza area. This project is commonly known as **THE VILLAGE AT SWIFT CREEK**. This request lies in a Community Business (C-3) District on a 29.3 acre parcel fronting approximately 1,060 feet on the south line of Hull Street Road, also fronting on Brad McNeer Parkway and Craig Rath Boulevard. Tax ID 733-676-1943 (Sheet 16).

Mr. Robbins presented an overview of the request and staff's recommendation.

Mr. John Easter, the applicant's representative, accepted staff's recommendation with the exception of Condition 2. He pointed out that the language "plaza shops" used in Condition 2 was not practical as it diminished the sign area that could be used to advertise tenants and suggested the condition be modified; stated the need for the modification was necessitated by topographic conditions, the geometry of the access points to the development, and the lack of visibility from Route 360 for the restaurants along the central pedestrian plaza of the shopping center due to the substantial height differential between the center and the road, the undisturbed tree-save area required by zoning and the resulting setback of the plaza from Route 360. He further indicated the hardship caused by these conditions was unique to the property; the modification would not adversely affect nearby properties or the general health, safety and welfare of the public; and the modification would be beneficial to the public by directing patrons of businesses in the plaza to use the middle of the three (3) entrances to the project, thereby avoiding circuitous routes and unnecessary trips across the parking area for the commercial center.

There was discussion of the applicant's intent to locate an onsite directory sign at the middle entrance to the shopping center; the applicant's intent that the sign solely identify tenants in the newly constructed plaza within the shopping center; differences between directory and directional signs; the Ordinance definition of a directory sign; and other concerns.

Mr. Cunningham questioned if the applicant had met the criteria of the five (5) findings to grant a development standards waiver. He stated staff's recommendation was beneficial to the applicant; however, the applicant knew what he was getting into when he located at the site and he was not comfortable approving the request.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Gulley stated he would like to help resolve the tenants' visibility problem; however, he did not want to set a precedent for future similar development standards waiver requests to follow when the Conditional Use process should be used.

Mr. Stack stated the intent of signs was to provide exposure and advertisement for businesses and he felt approval of the request, excluding Condition 2, would not be detrimental to nearby properties or the general public.

Messrs. Gecker and Litton stated they did not see how adding the words "plaza shops" resulted in the sign becoming a directional sign.

Mr. Stack made a motion to recommend approval of Case 04PW0180, Swift Creek Associates, L.P. (The Village at Swift Creek).

Mr. Gecker suggested the motion be modified to include Condition 2 with modifications as suggested by Mr. Easter.

On motion of Mr. Stack, seconded by Mr. Litton, the Commission found Case 04PW0180, Swift Creek Associates, L.P. (The Village at Swift Creek), substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver to Section 19-637(f), Limitation on Specific Signs, of the Zoning Ordinance, subject to the following conditions:

CONDITIONS

1. The sign shall have an appearance similar to that shown on the attached Exhibit B, and be located generally as shown on the attached Exhibits A and C.
2. Tenant panels on the sign may only be used by tenants within that area of the plaza shops.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

D. FIELD TRIP AND DINNER.

◆ **FIELD TRIP SITE SELECTION:**

The Commission agreed to forego their Field Trip Site visit.

◆ **DINNER LOCATION:**

On motion of Mr. Stack, seconded by Mr. Litton, the Commission resolved to meet for dinner at Lucca Trattoria.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

E. ADJOURNMENT.

On motion of Mr. Stack, seconded by Mr. Litton, the Commission adjourned the 3:00 p. m. Afternoon Session at approximately 3:51 p. m. and departed the Chesterfield County Administration Building, agreeing to meet for dinner at 5:00 p. m. at Lucca Trattoria.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Gecker, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Phil Cunningham presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Ms. Juliana Gecker led the Pledge of Allegiance to the Flag.

Mr. Cunningham referenced his twelve (12) year tenure on the Commission, reflecting upon several of his unique and enjoyable experiences and expressed appreciation to all those with whom he had had an opportunity to work and for the opportunity to have served the County.

C. REVIEW MEETING PROCEDURES.

Mr. Jacobson apprised the Commission of the agenda for the next two (2) months. He stated that the January 20, 2004, agenda was comprised of eleven (11) cases, the February 2004 agenda was comprised of ten (10) cases and the March 2004 agenda had a total of no cases thus far.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

E. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ REQUESTS FOR DEFERRAL BY APPLICANTS.

04SN0166: In Bermuda Magisterial District, **MELVIN L. FISHER** requested deferral to January 20, 2004, of consideration for amendment to Conditional Use (Case 00SN0262), Conditional Use Planned Development and amendment of zoning district map to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use. This request lies in a Community Business (C-3) District on 1.1 acres fronting approximately 280 feet on the east line of Jefferson Davis Highway, also fronting approximately 280 feet on the south line of Pinehurst Street and located in the southeast quadrant of the intersection of these roads. Tax IDs 795-664-7592 and 795-665-6610, 7102 and 8407 (Sheet 26).

Mr. Dean Hawkins, the applicant's representative, requested deferral to the January 20, 2004, Planning Commission public hearing.

There was no opposition to the request for deferral.

The following motion was made at the applicant's request.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission resolved to defer Case 04SN0166 to the January 20, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

02SN0238: In Matoaca Magisterial District, **DOUGLAS R. SOWERS** requested deferral to the regularly scheduled February 2004 meeting of consideration for amendment to Conditional Use Planned Development (Case 88S008) and amendment of zoning district map on part of property which is commonly known as Greenspring's A. E. Howard tract. Specifically, the applicant desires to develop this 136.3 acre tract as a single

development from the originally-zoned 1,312.7 acre tract. In general, amendments are requested relative to the approved Master Plan, historic structures, provision of a golf course, road improvements, land dedications and reservations, utilities, drainage, erosion and water quality. A mixed use development consisting of residential, office and commercial uses is planned. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use and single family residential use of 2.0 units per acre or less. This request lies in Residential (R-9) and Corporate Office (O-2) Districts on 136.3 acres fronting approximately 1,200 feet on the east line of Otterdale Road, approximately 2,900 feet south of Gamecock Road. Tax ID 718-691-6889 (Sheet 9).

Mr. John Easter, the applicant's representative, requested deferral to the regularly scheduled February 2004 Planning Commission public hearing.

There was no opposition to the request for deferral.

The following motion was made at the applicant's request.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to defer Case 02SN0238 to the regularly scheduled February 2004 Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

02SN0296: (Amended) In Bermuda Magisterial District, **TED A. WILLIAMS, THOMAS A. WILLIAMS, GRACE M. WILLIAMS TRUST AND GEORGE P. EMERSON, JR.** requested deferral to the regularly scheduled February 2004 meeting of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) of 19.0 acres plus proffered conditions on 1.4 acres currently zoned Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. This request lies on 20.4 acres fronting approximately 850 feet on the south line of East Hundred Road, across from Rivers Bend Boulevard. Tax IDs 815-651-3676 and 7189 and 815-652-2337, 3334, 3521 and 4930 (Sheet 27).

Mr. Dean Hawkins, the applicant's representative, requested deferral to the regularly scheduled February 2004 Planning Commission public hearing.

Mr. Ronnie Luck, an adjacent property owner, asked the Commission to consider deferring the request to the April 2004 meeting, noting that he and his wife would be away for several months and unable to attend the February meeting. He stated they had, many times in the past, rearranged or altered their schedules to be able to attend continuations related to this case and he did not think it unreasonable to ask the Commission to consider deferring the case more than sixty (60) days.

Mr. Hawkins stated deferring the case for more than sixty (60) days would be a hardship to his client; however, he would keep the Lucks apprised of any developments in the case and if he was unable to resolve their concerns, he would request an additional sixty (60) day deferral at the February meeting.

The following motion was made at the applicant's request.

On motion of Mr. Cunningham, seconded by Mr. Gulley, the Commission acknowledged withdrawal of/resolved to defer Case 02SN0296 to the regularly scheduled February 2004 Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **REQUESTS FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONERS.**

04SN0131: In Bermuda Magisterial District, **TOM JOHNSON** requested rezoning and amendment of zoning district map from Light Industrial (I-1) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use and light industrial uses. This request lies on 77.5 acres fronting in two (2) places for a total of approximately 400 feet on the west line of Old Stage Road approximately 1,500 feet south of Coyote Drive. Tax IDs 802-656-4121, 803-655-1650 and 803-656-3434 (Sheet 27).

No one was present to represent the request.

Mr. Cunningham stated he wished to defer Case 04SN0131 to the January 20, 2004, Planning Commission public hearing to allow him the opportunity to address transportation issues.

There was no opposition to the request for deferral.

The following motion was made at Mr. Cunningham's request.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission, on their own motion, resolved to defer Case 04SN0131 to the January 20, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

01SN0149: (Amended) In Bermuda Magisterial District, **LAVERNE C. COLE** requested amendment to Conditional Use Planned Development (Case 97SN0150) and amendment of zoning district map relative to architectural standards, uses permitted, number of parking spaces and density. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood commercial use uses. This request lies in a Neighborhood Business (C-2) District on 9.0 acres fronting approximately 850 feet on the north line of West Hundred Road, also fronting approximately 900 feet on the west line of Rock Hill Road and located in the northwest quadrant of the intersection of these roads. Tax IDs 796-655-8223 and 8441 and 797-655-0018, 2444 and 3409 (Sheet 26).

Mr. Cunningham stated he wished to defer the request to the January 20, 2004, Planning Commission public hearing to ensure that any issues or concerns were appropriately addressed.

Mr. John Easter, the applicant's representative, concurred with the deferral.

There was no opposition to the deferral.

The following motion was made at Mr. Cunningham's request.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission, on their own motion, resolved to defer Case 01SN0149 to the January 20, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

04SN0135: In Matoaca Magisterial District, **CENTEX HOMES - SO. VA** requested amendment to Conditional Use Planned Development (Case 87S134) and amendment of zoning district map to permit residential townhouse use in Community Business (C-3) and Corporate Office (O-2) Districts. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use. This request lies on 45.3 acres lying approximately 400 feet off the south line of Hull Street Road, measured from a point approximately 1,200 feet east of Mockingbird Lane. Tax ID 732-674-3945 (Sheet 16).

Mr. Steve Miller, the applicant's representative, accepted staff's recommendation.

A citizen indicated he had questions concerning the request; therefore, it was the consensus of the Commission to place Case 04SN0135 with those cases requiring discussion.

04SN0139: In Midlothian Magisterial District, **CARLA NELMS** requested amendment to Conditional Use Planned Development (Case 83S141) and amendment of zoning district map to permit a photography studio in a Corporate Office (O-2) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for village fringe area use. This request lies on 0.9 acre fronting approximately 215 feet on the south line of the terminus of Village Mill Drive approximately 600 feet south of Midlothian Turnpike. Tax ID 727-707-2672 (Sheet 5).

Ms. Carla Nelms, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Stack, the Commission resolved to recommend approval of Case 04SN0139, subject to the following condition:

CONDITION

Photography studio use shall be permitted. (P)

(Note: This use is in addition to uses permitted with Case 83S141.)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

04SN0142: In Midlothian Magisterial District, **HUGUENOT ROBIOUS ASSOCIATES, LC** requested amendment to Conditional Use Planned Development (Case 01SN0255) and amendment of zoning district map relative to landscaping. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office use. This request lies on 1.9 acres fronting approximately 550 feet on the south line of the Norfolk Southern Railroad right of way approximately 450 feet west of Cranbeck Road. Tax ID 741-715-Part of 9831 (Sheet 2).

Mr. Jerry Levey, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Stack, the Commission resolved to recommend approval of Case 04SN0142, subject to the following condition:

CONDITION

Additional Landscaping. Within the required setback for the rear boundary adjacent to Chesterfield County Tax IDs 741-714-8181, 742-715-5206, 742-715-5956, 742-715-6245 and 742-715-6432, the Developer will provide Perimeter landscaping B (option II). (P)

(Note: This condition supersedes Condition 12 of Case 01SN0255.)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

04SN0150: In Bermuda Magisterial District, **AFFORDABLE RESIDENCES IN CHESTERFIELD, II** requested amendment to Conditional Use Planned Development (Case 97SN0180) and amendment of zoning district map relative to density, parking and maximum number of units. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for multifamily residential use of 7.01 or more units per acre. This request lies on 26.3 acres lying approximately 600 feet on the north line of Alcott Road approximately 500 feet west of Jefferson Davis Highway. Tax ID 789-678-Part of 8292 (Sheet 18).

Mr. Robert Newman, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission resolved to recommend approval of Case 04SN0150, subject to the following condition and acceptance of the following proffered condition:

CONDITION

The following exceptions shall be granted for any multifamily residential development on the property:

- a. a 1.8 unit per acre exception to the maximum ten (10) units per acre density limitation; and
- b. a 1.1 parking space per unit exception to the required two (2) parking spaces per unit requirement. (P)

(Note: All other requirements for multifamily residential development, as approved with Case 97SN0180, shall be adhered to.)

PROFFERED CONDITION

The number of dwelling units permitted shall be limited to 310 units, provided that 240 of those units shall be unrestricted in regards to the age of residents and seventy (70) shall be restricted, except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Housing Law, and such other applicable federal, state or local legal requirements, to "housing for older persons" as defined in the Virginia Fair Housing Law and shall have no persons under 19 years of age domiciled therein ("Age Restricted Dwelling Units"). (P & B&M)

(Note: This condition supercedes Proffered Condition 4 of Case 97SN0180. All other proffered conditions shall remain in effect.)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

04SN0165: In Matoaca Magisterial District, **STAR COAL COMPANY, INCORPORATED** requested amendment to Conditional Use Planned Development (Case 88S015) and amendment of zoning district map relative to road improvements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use. This request lies in a Corporate Office (O-2) District on 67.8 acres fronting approximately 1,100 feet on the west line of Charter Colony Parkway, also fronting approximately 2,400 feet on the north line of Old Hundred Road and located in the northwest quadrant of the intersection of these roads. Tax ID 726-693-8112 (Sheet 9).

Ms. Ramona Sein, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to recommend approval of Case 04SN0165 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

Star Coal Company, Incorporated (the "Developer"), pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the development of the parcel known as Chesterfield County Tax Identification Number 726-693-8112 (the "Property") under consideration will be developed according to the following proffers if, and only if, the request to amend case 88S015 by deleting Condition 25 is granted. In the event the request is denied or approved with conditions not agreed to by the Applicant, the proffers shall immediately be null and void and of no further force or effect. If the zoning amendment is granted, these proffers will operate in addition to the conditions existing on the Property.

1. The Developer shall be responsible for the following road improvements if, and only if, these road improvements have not been provided by others; and studies of the traffic anticipated to be generated by development on the Property demonstrate that such road improvements are necessary, as determined by the Transportation Department.
 - a. Construction of two (2) additional lanes along Charter Colony Parkway (i.e., a four (4) lane facility) from the Site Road intersection south to Powhite Parkway.
 - b. Additional pavement along Charter Colony Parkway to provide left- and right-turn lanes.
 - c. Construction of two (2) lanes (to make an ultimate four (4) lane facility) on Brandermill Parkway Extended from Powhite Parkway/Old Hundred Road to the northern property line.
 - d. Construction of elements for the Powhite Parkway/Charter Colony Parkway interchange to provide the following movements:

- i. From westbound Powhite Parkway onto northbound Charter Colony Parkway,
 - ii. From southbound Charter Colony Parkway onto eastbound Powhite Parkway,
 - iii. From eastbound Powhite Parkway onto southbound Charter Colony Parkway and
 - iv. The necessary right of way to accommodate these improvements.
 - e. If warranted, full cost of signalization at the Site Road/Brandermill Parkway Extended intersection, and one-half the cost of signalization at both the Site Road/Charter Colony Parkway, and Powhite Parkway/Brandermill Parkway Extended intersections. (T)
2. Alternate road improvements, as requested by the Developer and approved by the Director of Transportation, which will provide acceptable levels of service as determined by the Transportation Department, may be substituted for the improvements identified in Proffered Condition 1. (T)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

04SN0168: In Clover Hill Magisterial District, **THE RESTAURANT CO.** requested amendment of Conditional Use (Case 97SN0223) and amendment of zoning district map to permit exceptions to signage requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies in a Community Business (C-3) District on 3.0 acres fronting approximately 370 feet on the north line of Hull Street Road, also fronting approximately 350 feet on the east line of Bayside Lane and located in the northeast quadrant of the intersection of these roads. Tax IDs 728-674-Part of 8705 and 729-674-Part of 0215 (Sheet 15).

Mr. Walt Garde, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 04SN0168 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

- 1. With the exception of an Arby's Restaurant, all building mounted signs shall be white in color and have a maximum logo square footage of one and one-fifth the building mounted letter height. All building mounted signage for an Arby's Restaurant shall be either white or red in color and shall have a maximum logo square footage one and one-fifth the building mounted letter height. (P)
- (Staff Note: This proffered condition supersedes Proffered Condition 8 of Case 97SN0223. Except as stated herein, signs must conform to the requirements of the Zoning Ordinance.)

2. Prior to the issuance of any sign permit, the Planning Department shall be provided with documentation of the Brandermill Community Association's Architectural Review Board's approval of such sign(s). (P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

04SN0169: In Matoaca Magisterial District, **TASCON-NORWOOD L.L.C.** requested amendment to Conditional Use Planned Development (Case 01SN0267) and amendment of zoning district map to permit exceptions to building and construction materials requirements and requirements for sidewalks and walkways. Residential use of up to 10 units per acre is permitted in a Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for community mixed use with residential densities of 8 to 14 units per acre and for single family residential use of 2.0 units per acre or less. This request lies on 27.4 acres fronting approximately 1,350 feet on the west line of North Spring Run Road, also fronting approximately 1,400 feet on the north line of McEnnally Road and located in the northwest quadrant of the intersection of these roads. Tax ID 724-670-5538 (Sheet 15).

Mr. Steve Settlege, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to recommend approval of Case 04SN0169, subject to the following condition and acceptance of the following proffered condition:

CONDITION

Sidewalks, Walkways, and Pedestrian Trails. Sidewalks having a width of three (3) feet shall be provided generally along both sides of all interior streets, but not along driveways serving only one or two buildings; provided that, along that portion of the internal street that generally parallels McEnnally Road, as shown on the Schematic Plan, if topographic and dimensional constraints between McEnnally Road and the pond make provision of sidewalks on both sides of the street impractical, a sidewalk may be placed on only one side of that portion of the street. Sidewalks shall also be provided along the entrance road to North Spring Run Road and to the adjacent property to the north, identified as Tax ID 725-671-9228. Walkways shall be provided from the driveways for individual buildings to the entrances of all dwelling units. Sidewalks and walkways shall be constructed of exposed aggregate, stamped concrete or masonry pavers. Walkways to the front doors of the homes shall be of broom finished concrete. Pedestrian trails shall be provided around the pond with connections to the clubhouse area and to the major internal streets. The exact treatment and location of these sidewalks and pedestrian trails shall be approved by the Planning Department at the time of site plan review. (P)

(Note: This condition supersedes Condition 3 of Case 01SN0267.)

PROFFERED CONDITION

Schematic Plan and Elevations. Development of the Property shall be in substantial conformance with the architectural appearance shown on the elevations attached hereto as Exhibits "A" and "B" with respect to the materials depicted, which are brick veneer, stone or faux stone (cultured stone), composition of vinyl siding and 20 year asphalt roof shingles. Development of the Property shall generally conform to the Schematic Plan with respect to the general location of the clubhouse building, open spaces, the orientation

of buildings such that the number of garage doors opening to any individual street are minimized, and the clustering of buildings. The location of roads, access, driveways and parking areas need not be exactly as shown on the Schematic Plan; however, the concepts of the Plan shall be generally adhered to such as the orientation of dwelling units to one another, to open spaces, and to rights of way. (P)

(Staff Note: This proffered condition supersedes Proffered Condition 5 of Case 01SN0267. The Exhibits referred to are contained in Case 01SN0267.)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.
Mr. Jacobson recalled Case 04SN0135, Centex Homes, - SO. Va.

04SN0135: In Matoaca Magisterial District, **CENTEX HOMES - SO. VA** requested amendment to Conditional Use Planned Development (Case 87S134) and amendment of zoning district map to permit residential townhouse use in Community Business (C-3) and Corporate Office (O-2) Districts. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use. This request lies on 45.3 acres lying approximately 400 feet off the south line of Hull Street Road, measured from a point approximately 1,200 feet east of Mockingbird Lane. Tax ID 732-674-3945 (Sheet 16).

Mr. Steve Miller, the applicant's representative, accepted staff's recommendation, noting that, in response to concerns expressed earlier by an adjacent property owner, he had agreed to provide him with a conceptual plan.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Stack, seconded by MR. Cunningham, the Commission resolved to recommend approval of Case 04SN0135, subject to the following conditions and acceptance of the following proffered conditions, including the addendum:

CONDITIONS

1. In addition to those uses permitted by the Textual Statement Item II.B.3. of Case 87S134, Residential Townhouse (R-TH) development shall be permitted in accordance with the requirements of the Zoning Ordinance for Residential Townhouse (R-TH) Districts. (P)

(Note: This condition amends Textual Statement Item II.B.3. of Case 87S134 for the subject property.)

2. The developer shall address the Chesapeake Bay Preservation Act (CBPA) requirements for this site independent of the overall Villages at Swift Creek CBPA plan. (EE)

PROFFERED CONDITIONS

1. All roads that accommodate general traffic circulation through the development, as determined by the Transportation Department, shall be designed and constructed to state standards and taken into the state system. This condition may be modified by the Transportation Department if it is determined that the roads or any part of such roads cannot be designed for state acceptance. For any roads which accommodate general traffic circulation through the development that are not to be a part of the state system, a plan that insures the continual maintenance of the private streets shall be submitted to, and approved by, the Transportation Department. This condition

shall not apply to developments such as apartments, which do not have individual lots or units for sale. (T)

2. With respect to the density of the subject property, the reference to multifamily uses in Proffered Condition 9 of Case 00SN0280 shall include townhouse units as well. (P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

04SN0151: In Midlothian Magisterial District, **CHARTER COLONY SENIOR ASSOC., L.P.** requested amendment to Conditional Use Planned Development (Case 94SN0138) and amendment of zoning district map to permit exceptions to Multifamily Residential (R-MF) District standards. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for planned transition area uses. This request lies in a Residential (R-7) District on 8.1 acres fronting approximately 700 feet on the north line of Woolridge Road, also fronting approximately 500 feet on the west line of Coalfield Road and located in the northwest quadrant of the intersection of these roads. Tax ID 726-702-Part of 9236 (Sheet 5).

Mr. Gecker stated his firm represented the contract purchaser for this request, declared a conflict of interest pursuant to the Virginia Conflict of Interest Act and excused himself from the meeting at approximately 7:33 p.m.

Ms. Peterson presented an overview of the request and staff's recommendation for approval of the exceptions to units per floor, recreation and parking provisions and denial of the exception to access provisions. She referenced Addendum II, noting the applicant had amended Proffered Condition 2 addressing the provision of an emergency access identifying the general location of the emergency access from Woolridge Road.

Mr. Jeff Collins, the applicant's representative, did not accept staff's recommendation relative to Proffered Condition 2, noting that, in lieu of a second public access, the applicant was offering to provide an emergency access only to Woolridge Road. He indicated the provision of a full second public access would necessitate crossing jurisdictional wetlands and the road would have a steep grade that could be a safety hazard in inclement weather. He stated the applicant's proposed emergency access entrance would be safer, less steep and would be gated.

In response to questions from the Commission, Assistant Fire Marshal Hall addressed concerns relative to emergency access versus second public access and indicated the Fire Department was comfortable with approval of the emergency access in this case, if approved by the Commission.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Gulley stated he felt the subject property was unique; expressed concerns relative to the impact that could result if a road were constructed across the wetlands; and stated he felt Mr. Collin's suggested access entrance was a better alternative.

On motion of Mr. Litton, seconded by Mr. Stack, the Commission resolved to recommend approval of Case 04SN0151, subject to the following condition and acceptance of the following proffered conditions, including the addendum:

CONDITION

The following exceptions to the Multifamily Residential (R-MF) District requirements of the Zoning Ordinance shall apply to multifamily development on the subject property:

- A. Dwelling units. There shall be no maximum number of units permitted on any one (1) floor level of a building.
- B. Recreation area required. There shall be no minimum acreage provision for recreational facilities.

(Note: Section 19-111(f) requires the provision of sidewalks for multi-family development. The exact location and design will be reviewed during the site plan review process.)

- C. Parking. Parking shall be provided at a ratio of 1.2 spaces per dwelling unit. (P)

(Note: This condition is in addition to the requirements of Case 94SN0138 Textual Statement for Tract 2, Item 4, for the subject property only.)

PROFFERED CONDITIONS

- 1. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Housing Law, and such other applicable federal, state, or local legal requirements, dwelling units shall be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law and shall have no persons under 19 years of age domiciled therein. (B & M)
- 2. Emergency Access. In lieu of a second road access (public or private), an emergency access shall be provided from Woolridge Road in the location generally shown on site plan 04PR0208, titled "Charter Colony Senior Development", dated October 31, 2003 as prepared by Townes Site Engineering, P.C. prior to occupancy of more than fifty (50) units. The design and maintenance of this access shall be reviewed and approved by the Fire Department in conjunction with site plan approval. (F)

AYES: Messrs. Litton, Cunningham, Gulley and Stack.

ABSENT: Mr. Gecker.

Mr. Gecker returned to the meeting at approximately 7:46 p. m.

04SN0133: In Matoaca Magisterial District, **GARY T. & BONNIE A. JENNINGS** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) on 29.8 acres and a Conditional Use Planned Development on 7.9 acres relative to access in an Agricultural (A) District. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for mixed use corridor and single family residential use of 2.0 units per acre or less. This request lies on 37.7 acres fronting approximately 300 feet on the south line of Hull Street Road, approximately 2,300 feet east of Baldwin Creek Road. Tax IDs 708-665-9636; 708-666-7360 and 9340; 708-667-7101 and 8937; 709-665-3176; 709-666-2039, 3731 and 4163 (Sheets 15 and 23).

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting the request failed to address Transportation concerns relative to the separation of access points along Hull Street Road (Route 360).

Mr. Tommy Balzer, the applicant's representative, did not accept staff's recommendation.

Mr. Gecker opened the discussion for public comment.

Messrs. Watson Munson, representing Old Dominion Tractor Equipment Co., Inc.; Mr. Ernest Belvin, an adjacent property owner; and Mr. Patel, an area businessman, voiced opposition to the request citing detrimental financial impacts to area businesses and the community.

Mr. Carroll Foster, developer of the project, addressed access issues, noting the proffered conditions would resolve any concerns raised and the change in the traffic pattern would not have a detrimental impact on area businesses or the community.

There being no one else to speak, Mr. Gecker closed the public comment.

In response to questions from the Commission, Mr. McCracken stated development of the area would result in the closing of crossovers; that both Chesterfield County and the Virginia Departments of Transportation standards relative to access/sight distance limited the number of accesses on major arterials such as Route 360; that crossovers were considered too valuable an asset to serve only one (1) user; and that as growth moved further west, there would be a need to control/maintain traffic on the highways and limit the number of access points.

Mr. Stack stated it was not a matter of if, but rather when, development would occur in the area and given the improvements proffered by the applicant, he did not feel approval of the request would have a detrimental impact on existing area businesses.

In response to questions from Mr. Gulley, Mr. Balzer indicated the existing pond would remain and would be retrofitted to a performance BMP to meet the .22 phosphorous runoff criteria.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to recommend approval of Case 04SN0133 and acceptance of the following proffered conditions, including the addendum

PROFFERED CONDITIONS

1. Public water and wastewater shall be used. (U)
2. The applicant, subdivider, or assignee(s) shall pay the following to the county of Chesterfield prior to the issuance of a building permit, for infrastructure improvements with in the service district for the property:
 - A. \$9,000.00 per dwelling unit, if paid prior to July 1, 2003; or
 - B. The amount approved by the Board of Supervisors not to exceed \$9,000.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2002, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003.

- C. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
3. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
4. Direct access from the property to Hull Street Road (Route 360) shall be limited to one (1) public road (the "Public Road"). The exact location of this access shall be approved by the Transportation Department. Prior to any construction plan approval, an access easement acceptable to the Transportation Department shall be recorded from the Public Road to the adjacent property to the east (Tax ID # 708-667-8988) and to the adjacent property to the west (Tax ID # 708-666-5170). (T)
5. In conjunction with the recordation of the initial subdivision plat, one hundred (100) feet of right of way on the south side of Hull Street Road, measured from the centerline of that part of Hull Street Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
6. In conjunction with recordation of the initial subdivision plat a ninety (90) foot wide right-of-way for an east/west arterial ("Hampton Park Drive Extended") from the eastern property line to the western property line shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of this right-of-way shall be approved by the Transportation Department. (T)
7. To provide an adequate roadway system at the time of complete development, the owner/developer shall be responsible for the following:
- a. Construction of additional pavement along Route 360 at the Public Road intersection to provide a right turn lane, if warranted, based on Transportation Department standards;
 - b. Closing the existing crossover on Route 360 located approximately two hundred (200) feet east of the property and construction of a new crossover, including left turn lanes along both the eastbound and westbound lanes, on Route 360 at the Public Road intersection. If the Virginia Department of Transportation does not approve the closing of the existing crossover and constructing the new crossover, the developer shall then be required to construct an eastbound left turn lane at the existing crossover on Route 360 located approximately two hundred (200) feet east of the property;
 - c. Construction of two (2) lanes of Hampton Park Drive Extended through the property to VDOT urban minor arterial standards (50 mph), with modifications approved by the Transportation Department;
 - d. Construction of the Public Road as a three (3) lane typical section at the Route 360 intersection. The exact length of this improvement shall be determined by the Transportation Department;

- e. Construction of an additional lane of pavement along Route 360 from the Public Road to the eastern property line of the adjacent parcel (Tax ID 708-667-8988);
 - f. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in 7 a., the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)
- 8. Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 7, shall be submitted to and approved by the Transportation Department. The approved phasing plan shall include providing the improvements described in proffered conditions 7a, 7b, 7e, and 7f in conjunction with initial development on the property. (T)
 - 9. The property located north of the proposed east/west arterial or zoned Agricultural (A) and defined by the limits of this zoning request shall not be subdivided other than for the Public Road or for the Hampton Park Drive Extended rights of way, nor shall any residential building permit be issued on such property. (P)
 - 10. The existing pond shall remain. (EE)
 - 11. All exposed portions of the foundation of each dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (P)
 - 12. The minimum gross floor area for dwelling units shall be 2500 square feet. (BI)
 - 13. The maximum density of this development shall not exceed 55 total lots. (P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

F. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Stack, seconded by Mr. Litton, that the meeting adjourned at approximately 8:12 p. m. to January 20, 2004, at 12:00 Noon in the Executive Session Meeting Room of the Chesterfield County Government Complex.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

Chairman/Date

Secretary/Date